

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

GEORGE MANDALA and CHARLES BARNETT,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

NTT DATA, INC.,

Defendant.

Civil Action No.  
6:18-cv-06591-CJS

**NOTICE OF MOTION  
TO DISMISS THE CLASS ACTION  
COMPLAINT IN ITS ENTIRETY AND  
WITH PREJUDICE**

**PLEASE TAKE NOTICE** that, upon the Declaration of Patricia Price, dated November 12, 2018, and Defendant's Memorandum of Law in Support of its Motion to Dismiss The Class Action Complaint In Its Entirety and With Prejudice, Defendant NTT DATA, Inc., by and through its attorneys, Littler Mendelson, P.C., will move this Court, at a date and time to be determined by the Court, for an Order: (1) pursuant to FED. R. CIV. P. 12(b)(1), 12(b)(6) and/or 28 U.S.C. § 1367(c)(3) dismissing Plaintiffs' Class Action Complaint in its entirety, with prejudice, and granting such other and further relief as this Court deems just and proper; or (2) if the Court does not grant Defendant's Motion to Dismiss, in its entirety, to dismiss certain of Plaintiffs' claims and strike Plaintiff's class allegations pursuant to FED. R. CIV. P. 12(b)(1), 12(b)(6), 12(f) and 23(d)(1)(D), and granting such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, in accordance with Local Rule of Civil Procedure 7(a), Defendant intends to file and serve reply papers, and in accordance with Local Rule of Civil Procedure 7(b), any opposing party shall have 14 days after service of this motion to file and serve responding papers, and Defendant shall have 7 days after service of the responding papers to file and serve reply papers.

Date: November 13, 2018  
Fairport, New York

/s/Jessica F. Pizzutelli

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